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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,536	07/17/2003	Heimo Hartlieb	P2001,0023	2490

24131	7590	10/18/2006

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EXAMINER
DINH, MINH

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/621,536</td><td>Applicant(s)
HARTLIEB ET AL.</td><td></td></tr>
<tr><td>Examiner
Minh Dinh</td><td>Art Unit
2132</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/17/03</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-4 have been examined.

Information Disclosure Statement

2.   Reference 199 36 939 A1 listed in the information disclosure

statement filed 07/17/03 is not considered because it is not in the English

language and a concise explanation of the relevance of the reference has not

been provided.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being

anticipated by Ugon (5,944,833).

Regarding claims 1 and 4, Ugon discloses a method for increasing

security of a CPU comprising: inserting at least one randomly selected code

sequence that does not cause a state change of the CPU in the decode stage

as a dummy code sequence (i.e., a secondary code sequence); and selecting

the randomly selected code sequence so as to obtain a program execution

time that is different from previous program runs on each run of the specific

program (figure 8; col. 2, lines 28-39; col. 4, lines 9-23; col. 5, lines 46-66;

col. 6, lines 13-43; col. 6, line 66 – col. 7, line 26).

Regarding claim 2, Ugon further discloses reading the randomly

selected code sequence from a memory using at least one randomly

determined memory address (col. 3, lines 59-61; col. 5, line 66 – col. 6, line

13).

5.   Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated

by Tanimoto et al. (6,907,526).

Regarding claims 1 and 4, Tanimoto discloses a method for increasing

security of a CPU (i.e., a security co-processor) comprising: inserting at least

one randomly selected code sequence that does not cause a state change of

the CPU in the decode stage as a dummy code sequence (i.e., a code

sequence to execute a disturbance-aimed processing operation); and

selecting the randomly selected code sequence so as to obtain a program

execution time that is different from previous program runs on each run of

the specific program (figures 8, 15(c); col.5, line 58 – col. 6, line 21; col. 7,

line 63 – col. 8, line 2; col. 10, lines 40-48).

Regarding claim 2, Tanimoto further discloses reading the randomly

selected code sequence from a memory using at least one randomly

determined memory address (figure 20).

Regarding claim 3, Tanimoto further discloses storing program code in

ROM (col. 4, lines 61-64).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

7.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Ugon as applied to claim 2 above, and further in view of Tanimoto. Ugon

does not explicitly disclose storing program code in ROM. Tanimoto

discloses storing program code in ROM (col. 4, lines 61-64). It would have

been obvious to one of ordinary in the art at the time the invention was

made to modify the Ugon method such that program code is stored in ROM,

as taught by Tanimoto. ROM is used principally to store program code therein.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

    U.S. Patent No. 6,698,662 to Feyt et al.

    U.S. Patent No. 6,725,374 to Jahnich et al.

    U.S. Patent No. 6,804,782 to Qiu et al.

    U.S. Patent No. 6,839,847 to Ohki et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.
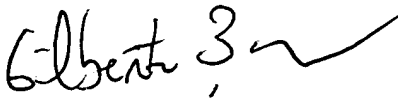
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

MD

Minh Dinh
Examiner
Art Unit 2132

MD
10/14/06

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100